

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO. 52 OF 2004

M/s. D. M. BHAGWAN & SONS .. APPLICANT

Vs.

M/s. K. K. FRUIT COMPANY .. OPPONENT

Mr. Amit B. Borkar for applicant

CORAM:-SMT. RANJANA DESAI, J.

DATED:-7/4/05

P.C.

In this civil revision application order dated 25//11/03 passed by Jt. Civil Judge, Junior Division, Kolhapur is challenged., By the impugned judgment the delay caused in filing the application for setting aside the ex parte decree in Regular Civil Suit No. 718 of 2001 is condoned on payment of costs of Rs.300/-.

I have heard the learned counsel appearing for the applicant. He contended that the explanation given by the applicant is not acceptable. In

fact the applicant has given a false explanation and the learned Judge should not have condoned the delay.

I am unable to agree with the learned counsel. The explanation given for the delay appears to be reasonable. In any case there is no perversity attached to the impugned order. No interference is called for. Hence petition is rejected.

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